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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/744,519	04/19/2001	Michael Jurs	WK-186	8538

7590 09/30/2002

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EXAMINER

COPIER, FLORIS C

ART UNIT	PAPER NUMBER
3643	7

DATE MAILED: 09/30/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/744,519

Applicant(s)

JURS ET AL.

Examiner

Chad Copier

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

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Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2,3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 4-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 4 as amended has no claim limitations.

Claim 5 recites the limitations "the shading element" and "the transmitter and the receiver" in lines 5-6. There is insufficient antecedent basis for these limitations in the claim.

Claim 8 recites the limitation "the conveying plane" in line 7. There is insufficient antecedent basis for this limitation in the claim.

Claim 8 recites the limitation "at least one essentially parallel, spaced-apart circular blade" in lines 4-5. It is unclear whether or not the circular blade is the same circular blade as claimed in claim 7. Additionally, the language of "parallel, spaced-apart" is unclear and confusing if there is only one blade, i.e. parallel with what, spaced-apart from what.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Young et al. (US 5580306).

As to claim 1, Young discloses a device for processing flesh, essentially including at least one transport means (20), at least one element for position detection (190), and at least one regulating and control device (172,180), characterized in that the element for position detection, which communicates with separating means by the regulating and/or control device (col 17 lines 1-12), is designed in such a way that information can be recorded and processed into data of at least two kinds (col 17 lines 14-18, col 4 lines 28-34).

As to claim 2, the element for position detection is designed for recording information as well as for generating and processing it into geometrical data and/or image data (col 16 line 64 – col 19 line 24).

As to claim 3, the separating means is controllable for the removal of areas of different consistency (col 20 line 55 – col 21 line 10).

As to claim 5, a shading element (pork side, not shown) positioned between the transmitter (140) and the receiver (196, 197, 198).

As to claim 6, the separating means is freely sildable to make precise cuts (col 8 lines 54-65).

As to claims 7 and 8, the separating means comprises at least one circular blade (50) oriented essentially perpendicular to the conveying plane (Fig 1).

As to claim 9, the separating means includes at least one additional blade (100),

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that has a cutting plane capable of either being parallel or perpendicular to the conveying plane (col 20 line 55 – col 21 line 10).

As to claims 10 and 11, the emitter is a light source (40) and the receiver is a camera (196,197,198) which is a optoelectronic system.

As to claims 12-14, the method as claimed is clearly anticipated by Young by using the device as described above.

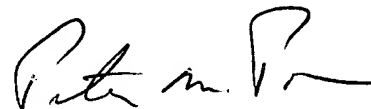
Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Evers et al. (5591076) and Vogeley, Jr. (US 5324228) discloses similar devices.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chad Copier whose telephone number is 703-306-0939. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Poon can be reached on 703-308-2574. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-306-4195 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.



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fcc
September 25, 2002